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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/782,864      | 02/14/2001  | Marcia Roosevelt     | J25-817 US          | 2573             |

21706 7590 12/27/2004

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SUITE 110  
ORANGEBURG, NY 10962-2100

EXAMINER

MEINECKE DIAZ, SUSANNA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3623

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

My

**37 CFR § 1.105 - Requirement for Information**

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The Examiner requests information regarding Saatchi & Saatchi's (i.e., the assignee's) creative idea generation techniques. The earliest priority date of the instant application is February 14, 2001. The Examiner has located various articles that establish Saatchi & Saatchi as a creative idea generation company that specializes in marketing and advertising on behalf of its clients more than one year prior to Applicant's earliest priority date (see the articles "Saatchi Return to Roots as Marketing Arm is Sold" and "CEO of Saatchi and Saatchi"). The Examiner requests clarification regarding which aspects of Applicant's invention (as both disclosed in the specification and recited in the pending claims) were publicly used, disclosed, and/or utilized as part of a service offered to clients/the public more than one year prior to February 14, 2001. This includes not only what appear to be the core steps of the invention (e.g., those recited in the independent claims), but also some of the details recited in the dependent claims, such as time periods set for selecting and producing an energized idea.

Furthermore, Applicant should provide more information regarding their brainstorming tools/techniques identified in the specification, including CONCEPTUAL WALLPAPER, DECORE-ATION, LOGI-COLLISION, TEXTURE-CEPT, ONE WORD EQUITIES. When were these tools first publicly used, disclosed, and/or utilized as part of a service offered to clients/the public? How have aspects of these tools been

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incorporated into Applicant's claimed invention? Are these tools/techniques merely guides to performing manual activities or have they actually been converted into automated tools/techniques, such as software?

Additionally, limited disclosure directed toward step-by-step instructions for conducting an idea generation session(s) is available in the U.S. patents and Pre-grant publications (including those classified in class 705, subclasses 1 and 7-10). However, many of the limitations recited throughout the claims appear to be logical steps for typically conducting an idea generation session; therefore, since the assignee is an expert in the field of idea generation for marketing and advertising, the Examiner requests any information the Applicant or assignee might possess or be aware of regarding typical strategies, techniques, etc. for conducting an idea generation session, especially relating to Applicant's claimed invention. For example, how do most players in the industry conduct such sessions? How are team members typically selected? How are timelines for completion of idea generation established? How is consensus on a best idea established (i.e., the idea(s) that will be presented to a client) when various ideas have been suggested by members of the idea generation team?

Finally, the disclosure and claims of the instant application recite a fixed-fluid analysis. The Examiner has conducted a text search in the patents database, on the Internet, and in Dialog. This term did not yield any hits in any of the databases (beyond the instant application). Is this a term of art? Did Applicant invent the concept of conducting a fixed-fluid analysis or are there other terms of art utilized to describe such an analysis?

2. The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

3. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

### ***Conclusion***

4. This requirement is subject to the provisions of 37 C.F.R. §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of TWO (2) months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susanna M. Diaz  
Primary Examiner  
Art Unit 3623  
November 29, 2004



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